

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA

v.

ANTWON WILLIS

Case No. 3:14-CR-83 JD

OPINION AND ORDER

Defendant Antwon Willis appealed the Court's judgment denying his motion to vacate under 28 U.S.C. § 2255 and is now requesting leave to proceed in forma pauperis on appeal. When the Court denied Mr. Willis's motion to vacate, it also declined to issue a certificate of appealability, finding that the resolution of his motion wasn't debatable among reasonable jurists and the issues did not deserve encouragement to proceed further. (DE 637 at 14.) However, a standard for granting leave to proceed in forma pauperis is more lenient. "To issue a certificate of appealability, a court must find that the petitioner has made 'a substantial showing of the denial of a constitutional right.' In contrast, to determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000) (citations omitted). Here, although the underlying issues in Mr. Willis's motion to vacate under § 2255—namely whether his trial counsel was ineffective by failing to raise a public authority defense—aren't debatable among reasonable jurists, a reasonable person could nevertheless suppose that Mr. Willis's appeal has some merit. Accordingly, the Court GRANTS Mr. Willis's motion to proceed in forma pauperis on appeal (DE 642).

SO ORDERED.

ENTERED: July 12, 2022

/s/ JON E. DEGUILIO
Chief Judge
United States District Court